

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI-DADE DIVISION**

In re:

MARIO MIRABAL

Debtor.

Case Number 23-20131-CLC
Chapter 13

**NOTICE OF FILING DOCUMENTS RELATED TO THE SALE OF 563 W 48 STREET
TO KP INVESTMENTS MIAMI, LLC.**

KP Investments Miami, LLC, by and through undersigned counsel files this notice of filing

- 1) Order entered by Circuit Court Judge David C. Miller in the state court action 2022-004706-CA-01 (KP Investments Miami, LLC. vs. Mario Mirabal) dated January 18, 2024. Order Granting Plaintiff's Motion for Appointment of Guardian Ad Litem and Attorney Ad Litem and for the Return of the Escrow Deposit Held by Defendant's Counsel.
- 2) Settlement statement dated November 20, 2024, for the sale of the property located at 563 W 48 Street, Miami, FL 33140.
- 3) Warranty deed dated November 13, 2024, transferring the property located at 563 W 48 Street, Miami, FL 33140 to KP Investments Miami, LLC.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent this 22nd day of November 2024 via CM/ECF to all parties registered to receive service via CM/ECF and US Mail to Mario Mirabal, 563 W 49 Street, Miami Beach, FL 33140.

**CERTIFICATE PURSUANT TO
LOCAL RULE 9011-4(B)**

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

KINGCADE & GARCIA, P.A

Counsel for Movant
Kingcade Building
1370 Coral Way • Miami, Florida 33145-2960
www.MIAMBANKRUPTCY.COM
Telephone: 305-285-9100 • Facsimile: 305-285-9542

/s/ Timothy S. Kingcade

X Timothy S. Kingcade, Esq., FBN 082309
☐ Jessica L. McMaken, Esq., FBN 580163

Filing # 190004836 E-Filed 01/18/2024 11:23:21 AM

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-004706-CA-01

SECTION: CA21

JUDGE: David C. Miller

KP Investments Miami, LLC

Plaintiff(s)

vs.

Mirabal, Mario

Defendant(s)

**ORDER GRANTING PLAINTIFF'S MOTION FOR APPOINTMENT OF GUARDIAN AD
LITEM, ADMINISTER AD LITEM AND ATTORNEY AD LITEM AND FOR THE
RETURN OF THE ESCROW DEPOSIT HELD BY DEFENDANT'S COUNSEL**

THIS CAUSE having come before the court on January 18, 2024 on Plaintiff's Motion for Appointment of Guardian Ad litem, Administer Ad Litem and Attorney Ad Litem and for the return of the escrow deposit held by Defendant's Counsel and the Court having heard argument of counsel, and being otherwise advised in the premises, it is hereupon

ORDERED AND ADJUDGED that said motion is **Granted**.

The Court appoints **James M. Schiff**, e-mail address is Jim@jmschifflaw.com; Address as 9130 S. Dadeland Blvd. Suite 2000, Miami, Florida 33156; Phone Number 305-670-5599 as Special Magistrate for Defendant Mario Mirabal.

James M. Schiff shall due all things necessary to comply with the Court's January 30, 2023 Order granting summary judgment to close the transaction pursuant to the contract including conveying the property to Plaintiff. Attorney Andres H. Lopez, Esq. is ordered to disburse the \$65,000.00 held in escrow to James Schiff to be held in trust and to be used for the closing of the sale of the property.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 18th day of January, 2024.


2022-004706-CA-01 01-18-2024 11:23 A

2022-004706-CA-01 01-18-2024 11:23 AM

Hon. David C. Miller

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Andres H. Lopez, eservice@alopezlawfirm.com
Andres H. Lopez, alivingston@alopezlawfirm.com
Andres H. Lopez, andres@alopezlawfirm.com
Francis Jonathan Mota, fmota@aijustice.org
James Schiff Esq., jim@jmschiffllaw.com
Kenneth Manuel Damas, ken@damaslaw.com
Kenneth Manuel Damas, service@damaslaw.com
Mario Mirabal, solphax@gmail.com
Matthew Marks, FLFileTeam@brockandscott.com
Matthew Marks, FLCourtDocs@brockandscott.com
Matthew Marks, ECCM-FL@provana.com
Mediation Unit, MediationDivision@jud11.flcourts.org
Michael A Frank, mfrank@bkclawmiami.com
Michael A Frank, mail@bkclawmiami.com

Physically Served:

A. Settlement Statement		U.S. Department of Housing and Urban Development		OMB Approval No. 2502-0265	
B. Type of Loan					
1. ☐ FHA 2. ☐ RHS 3. ☐ Conv. Unins 4. ☐ VA 5. ☐ Conv. Ins 6. ☒ Cash 7. ☐ Other					
8. File Number 2022-976-A		9. Loan Number		10. Mortgage Insurance Case Number	
C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing, they are shown here for informational purposes and are not included in the totals.					
D. NAME AND ADDRESS OF BORROWER:		KP Investments Miami LLC 1430 Lincoln Ter #2, Miami Beach, FL 33139			
E. NAME AND ADDRESS OF SELLER:		James M. Schiff, As Special Magistrate for Mario Mirabal of the James M. Schiff, As Special Magistrate for Mario Mirabal 563 W 49 ST, Miami Beach, FL 33140			
F. NAME AND ADDRESS OF LENDER:					
G. PROPERTY LOCATION:		563 W 49 ST Miami Beach FL 33140			
II. SETTLEMENT AGENT		Law Offices of Adorno & Cunill 1000 Brickell Avenue, Suite 1100, Miami FL 33131 (305) 381-9999			
PLACE OF SETTLEMENT		1000 Brickell Avenue, Suite 1100, Miami FL 33131			
I. SETTLEMENT DATE:		11/20/2024		DISBURSEMENT DATE	
				11/20/2024	
J. Summary of Borrower's Transaction			K. Summary of Seller's Transaction		
100. Gross Amount Due From Borrower			400. Gross Amount Due To Seller		
101. Contract Sales Price		1,300,000.00		401. Contract Sales Price	
102. Personal Property				402. Personal Property	
103. Settlement charges to borrower (line 1400)		32,413.25		403.	
104.				404.	
105.				405.	
Adjustments for items paid by seller in advance			Adjustments for items paid by seller in advance		
106. City/Town taxes				406. City/town taxes	
107. County taxes				407. County taxes	
108.				408.	
109. Buyer credit to Seller for shortage on payoff		122,897.79		409. Buyer credit to Seller for shortage on payoff	
110.				410.	
111.				411.	
112.				412.	
120. Gross Amount Due From Borrower		1,455,311.04		420. Gross Amount Due To Seller	
				1,422,897.79	
200. Amounts Paid By Or In Behalf Of Borrower			500. Reductions In Amount Due To Seller		
201. Deposit or earnest money		65,000.00		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)				502. Settlement charges to seller (line 1400)	
203. Existing loan(s) taken subject to				503. Existing loan(s) taken subject to	
204. Partial Deposit held in Escrow by James Schiff money per Specific Performance case		65,000.00		504. PHH Mortgage	
205.				505. TAX WARRANT	
206.				506.	
207.				507.	
208.				508.	
209.				509.	
Adjustments for items unpaid by seller			Adjustments for items unpaid by seller		
210. City/Town taxes				510. City/Town taxes	
211. County taxes				511. County taxes	
212. Assessments				512. Assessments	
213.				513.	
214.				514.	
215.				515.	
216.				516.	
217.				517.	
218.				518.	
219.				519.	
220. Total Paid By/For Borrower		130,000.00		520. Total Reduction Amount Due Seller	
				1,422,897.79	
300. Cash At Settlement From/To Borrower			600. Cash At Settlement From/To Seller		
301. Gross Amount due from borrower (line 120)		1,455,311.04		601. Gross Amount due to Seller (line 420)	
302. Less amounts paid by/for borrower (line 220)		130,000.00		602. Less reductions in amount due seller (line 520)	
303. CASH From BORROWER		1,325,311.04		603. CASH To SELLER	

We, the undersigned, identified in Section D hereof and Seller in Section E hereof, hereby acknowledge receipt of this completed Settlement Statement (Pages 1 and 2) on November 20, 2024.

Docusign Envelope ID: 68819895-E726-4964-9F55-C28B020B4A4A

L. SETTLEMENT CHARGES

700. Total Real Estate Broker Fees			
Division of commission (line 700) as follows:			
701. \$26,000.00 to Keyes- Miami Beach		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
702. \$26,000.00 to Keyes- Miami Beach			
703. Commission paid at settlement			
704.			52,000.00
705.			
706.			
800. Items Payable In connection with Loan			
801. Origination fee	to		
802. Broker fee	to		
803. Administrative fee	to		
804. Attorney Review Fee	to		
805. CMA and Inspection Fee	to		
806. Storage Fee	to		
807. Flood Certification Fee	to		
900. Items Required By Lender To Be Paid In Advance			
901. Interest from	From 11/20/2024 To 12/01/2024		
902. Mortgage insurance premium			
903. Hazard Insurance premium			
904.			
905.			
1000. Reserves Deposited With Lender			
1001. Hazard Insurance			
1002. Mortgage Insurance			
1003. City property taxes			
1004. County Property Taxes			
1005. Annual assessments			
1006.			
1007.			
1008. Aggregate Adjustments			
1100. Title Charges			
1101. Settlement Fee	to Law Offices of Adorno & Cunill	1,500.00	
1102. Title Search and review Fee(3x with Update)	to Stewart Title Guaranty Company		600.00
1103. Digital Storage fee	to E-closing	25.00	
1104.			
1105.			
1106. Seller's wire fees	to Law Offices of Adorno & Cunill		105.00
1107. Attorney's fees	to Damas Law	25,000.00	
1108. Title Insurance	to Stewart Title Guaranty Company	5,825.00	
1109. Lender's coverage @ \$.00			
1110. Owner's coverage \$1,300,000.00 @ \$ 5,825.00			
1111.			
1112.			
1113.			
1200. Government Recording and Transfer Charges			
1201. Recording fees: Deed \$40.00	Mortgage Releases	40.00	
1202. City/county tax/stamps Deed	Mortgage		
1203. State tax/stamps: Deed \$7,800.00	Mortgage		7,800.00
1204.	to Miami-Dade County Recorders		
1205. Affidavit for QCD marital Status Ariana	to Miami-Dade County Recorders		23.25
1206. Non-ID Affidavit	to Miami-Dade County Recorders		23.25
1207. Appeal Dismissal	to Miami-Dade County Recorders		23.25
1208. Release of Lis Pendens for Specific Performance Case	to Miami-Dade County Recorders	23.25	
1300. Additional Settlement Charges			
1301. Lien Search (updated 3x)	to Florida Lien Search		1,050.00
1302. 2024 Property Taxes	to Miami Dade Tax Collector		17,620.41
1303. Special Magistrate fee	to James M. Schiff, P.A.		1,650.00
1304. Special Magistrate Courier Fee	to James M. Schiff, P.A.		50.00
1305. Special Magistrate wire fee	to James M. Schiff, P.A.		35.00
1400. TOTAL SETTLEMENT CHARGES		32,413.25	80,980.16

We, the undersigned, identified in Section D hereof and Seller in Section E hereof, hereby acknowledge receipt of this completed Settlement Statement (Pages 1 and 2) on November 20, 2024.

HUD Settlement Statement Signatures

We, the undersigned, identified in Section D hereof and Seller in Section E hereof, hereby acknowledge receipt of this completed Settlement Statement on **November 20, 2024**.

Borrower(s)

KP Investments Miami LLC

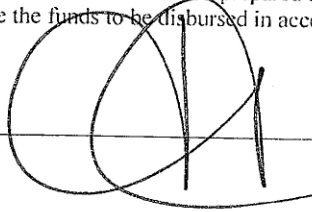
DocuSigned by:
By:  11/20/2024
D7631C02899AF37B
CARLOS PEREZ, Manager Date

Seller(s)

**James M. Schiff, As Special
Magistrate for Mario Mirabal**

DocuSigned by:
By:  11/20/2024
68E0EE09453047D
James M. Schiff, As Special Date
Magistrate for Mario Mirabal

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent:  Date: 11/20/2024

This instrument prepared by:
Amarilis Adorno Esq.
Law Offices of Adorno-Cunill
1000 Brickell Avenue
Suite 1100
Miami, FL 33131
File#2022-976B

WARRANTY DEED

This Warranty Deed Made this 13 day of November, 2024 between James M. Schiff, As Special Magistrate for Mario Mirabal, a Single Man Under Case Number 2022-004706-CA-01 in The Circuit Court of The 11th Judicial Circuit In And For Miami-Dade County, Florida, hereinafter called the grantor, whose post office address is 9130 S Dadeland Blvd Ste 2000, Miami FL 33156 and KP INVESTMENTS MIAMI LLC, A Florida Limited Liability Company, whose post office address is 1430 Lincoln Terrace Apt #2, Miami Beach FL 33139 hereinafter called the grantee, WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in **Miami-Dade County, Florida:**

Lot 21, Block 27, Lake View Subdivision, according to map or plat thereof as recorded in Plat Book 14, Page 42 of the Public Records of Miami-Dade County, Florida.

A/K/A 563 W. 49 Street, Miami Beach, FL 33140

FOLIO: 02-3222-022-1000

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

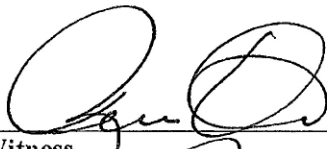
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 12/31/2024.

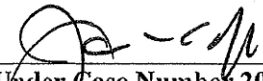
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates)

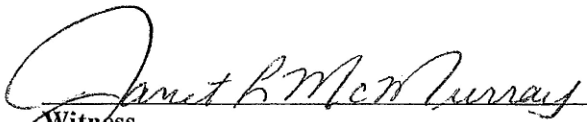
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence as to:


Witness
Printed Name: REINA DIAZ
Address: 10818 SW 72 Street, Unit 152
Miami, FL 33173

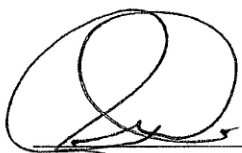
James M. Schiff, As Special Magistrate
for Mario Mirabal


Under Case Number 2022-004706-CA-
01 in The Circuit Court of The 11th
Judicial Circuit In And For Miami-
Dade County, Florida


Witness
Printed Name: Janet L. McMurray
Address: 7713 N. Kendall Dr., A214
Miami, FL 33156

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 13 day of November, 2024 by James M. Schiff, James M. Schiff, As Special Magistrate for Mario Mirabal, a Single Man Under Case Number 2022-004706-CA-01 in The Circuit Court Of The 11th Judicial Circuit In And For Miami-Dade County, Florida ☒ Who is/are personally known to me or () who has/have produced _____ as identification.


Notary Public
My Commission Expires:
Serial Number:

